

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROZINA WILLIAMS,

Plaintiff,

v.

CITY OF ST. LOUIS, STATE OF  
MISSOURI, et al.,

Defendants.

No. 4:23-CV-917 MTS

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of plaintiff Rozina Williams’s self-represented complaint and motion for leave to proceed *in forma pauperis*. Docs. [1], [2]. The complaint and motion are defective because they have not been drafted on Court forms. *See* E.D. Mo. L.R. 2.06(A) (“All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable.”).

Additionally, plaintiff has not submitted a certified copy of her St. Louis County Justice Center “trust fund account statement (or institutional equivalent)” for the six-month period immediately preceding the filing of her complaint, which is required when seeking *in forma pauperis* status. *See* 28 U.S.C. § 1915(a)(2); *see also* 28 U.S.C. § 1915(h) (defining a “prisoner” as including a person detained in any facility who is accused of violations of criminal law). A “certified copy” is one that has been certified by an authorized prison officer that is a true and correct copy.

Because plaintiff is proceeding without counsel, the Court will allow her the opportunity to file an amended complaint, an amended motion to proceed *in forma pauperis*, and an inmate account statement. Plaintiff must comply within thirty (30) days from the date of this Order.

### **Instructions for Amended Complaint**

Plaintiff is warned that the filing of an amended complaint completely replaces the original complaint, and so it must include all claims plaintiff wishes to bring. *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (“It is well-established that an amended complaint supersedes an original complaint and renders the original complaint without legal effect”). Any claims from the original complaint that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* Plaintiff must submit the amended complaint on a Court-provided form, and the amended complaint must comply with the Federal Rules of Civil Procedure. Plaintiff should fill out the complaint form in its entirety. All claims in the action must be included in one, centralized complaint form. *See Fed. R. Civ. P.* 7(a)(1), 8(a).

Plaintiff should type or neatly print her amended complaint on the Court’s form. If the amended complaint is handwritten, the writing must be legible. In the “Caption” section of the Court-provided form, plaintiff should clearly name every party she is intending to sue. *Fed. R. Civ. P.* 10(a) (“The title of the complaint must name all the parties”). If there is not enough room in the caption, plaintiff may add additional sheets of paper. However, all the defendants must be clearly listed. Plaintiff should also indicate whether he intends to sue each defendant in his or her individual capacity, official capacity, or both. Plaintiff is advised to place the assigned case number of this action, Case No. 4:23-CV-917-MTS, in the “Caption” section on the first page of the Court-provided form.

In the “Statement of Claim” section, plaintiff should provide a short and plain statement of the factual allegations supporting her claim. *Fed. R. Civ. P.* 8(a). Plaintiff should put each claim

into a numbered paragraph, and each paragraph should be “limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b).

The amended complaint should only include claims that arise out of the same transaction or occurrence. In other words, plaintiff should only include claims that are related to each other. Fed. R. Civ. P. 20(a)(2). Alternatively, plaintiff may choose a single defendant and set forth as many claims as he has against that defendant. Fed. R. Civ. P. 18(a).

**In structuring the amended complaint, plaintiff should begin by writing the defendant’s name. In separate, numbered paragraphs under that name, plaintiff should write a short and plain statement of the factual allegations supporting her claim against that specific defendant. If plaintiff is suing more than one defendant, she should follow the same procedure for each defendant.** No introductory or conclusory paragraphs are necessary.

If plaintiff is suing a defendant in an individual capacity, she is required to allege facts demonstrating the personal responsibility of the defendant for harming her. *Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990) (stating that § 1983 liability “requires a causal link to, and direct responsibility for, the deprivation of rights”). Furthermore, the Court emphasizes that the “Statement of Claim” requires more than “labels and conclusions or a formulaic recitation of the elements of a cause of action.” *Neubauer v. FedEx Corp.*, 849 F.3d 400, 404 (8th Cir. 2017).

If plaintiff is suing multiple defendants, it is important she establish the responsibility of each separate defendant for harming her. That is, for each defendant, plaintiff must allege facts showing how that particular defendant’s acts or omissions violated her constitutional rights. It is not enough for plaintiff to make general allegations against all the defendants as a group. Rather, plaintiff needs to provide the role of each named defendant in this case, in order that each specific defendant can receive notice of what he or she is accused of doing. *Topchian v. JPMorgan Chase*

*Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (stating that the essential function of a complaint “is to give the opposing party fair notice of the nature and basis or grounds for a claim”).

After receiving the amended complaint, the Court will review it pursuant to 28 U.S.C. § 1915. Plaintiff’s failure to make specific factual allegations against a defendant will result in the dismissal of that defendant. If plaintiff fails to comply with this Memorandum and Order within thirty (30) days in accordance with the instructions set forth herein, the Court will dismiss this action without prejudice and without further notice to plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall mail to plaintiff two blank Prisoner Civil Rights Complaint forms. Plaintiff may request additional forms as needed.

**IT IS FURTHER ORDERED** that the Clerk is directed to mail plaintiff a copy of the Court’s ‘Application to Proceed in District Court without Prepaying Fees or Costs’ form.

**IT IS FURTHER ORDERED** that plaintiff must file an amended complaint on the Court-provided form within **thirty (30) days** of the date of this Order. Plaintiff is advised that her amended complaint will take the place of her original filing and will be the only pleading that this Court will review.

**IT IS FURTHER ORDERED** that, if plaintiff wishes to proceed in this matter *in forma pauperis*, she must file such request on the Court’s ‘Application to Proceed in District Court without Prepaying Fees or Costs’ form within **thirty (30) days** of the date of this Order.

**IT IS FURTHER ORDERED** that, within **thirty (30) days** after the date of this Order, plaintiff shall submit a certified copy of her St. Louis County Justice Center “trust fund account statement (or institutional equivalent)” for the six-month period immediately preceding the filing of this action.

**If plaintiff fails to comply with this Order, the Court may dismiss this action without prejudice and without further notice.**

Dated this 24th day of July, 2023.

A handwritten signature in black ink, appearing to read 'MTS', is written above a horizontal line.

MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE